

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2817 – SB 2793

March 23, 2012

SUMMARY OF AMENDMENT (014534): Adds place of worship in which or on the premises of which there is a designated children's area such as a playground, basketball court, gymnasium, or other place for child recreational activities that is not open to the public generally to the list of places that registered sex offenders, whose victims were minors, are prohibited from knowingly establishing a primary or secondary residence or any other living accommodation; knowingly obtaining sex offender treatment or attending a sex offender treatment program; or knowingly accepting employment within 1,000 feet of such property.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$9,500/Incarceration*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- A violation of the 1,000 prohibition is a Class E felony and an offender is subject to graduated mandatory minimum sentences depending on the number of prior violations.
- The Department of Correction (DOC) estimates one additional Class E felony admission every three years as a result of this bill.
- According to the U. S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not result in any additional offenders. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every three years.
- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days). The annualized cost per offender is \$9,466.72 (0.33 annual number of convictions x \$28,687.03).
- Any increase in caseloads for state trial and appellate courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc